

FILED

JUN 05 2023

AO 241  
(Rev. 06/13)Mark C. McCartt, Clerk  
U.S. DISTRICT COURT

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PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

23 CV 0231 GKF • CDL

United States District Court		District: Northern District of Oklahoma	
Name (under which you were convicted): CARLOS C. MALONE		Docket or Case No.: CM-2022-3428 CF-2023-889	
Place of Confinement: DAVID L. MOSS CDC 300 N. DENVER TULSA OKLA 74103		Prisoner No.: 0159912	
Petitioner (include the name under which you were convicted): CARLOS C. MALONE		Respondent (authorized person having custody of petitioner): v. OKLAHOMA STATE DISTRICT CT, TULSA COUNTY SHERIFFS OFFICE	
The Attorney General of the State of: OKLAHOMA			

## PETITION

1. (a) Name and location of court that entered the judgment of conviction you are challenging:

TULSA COUNTY DISTRICT COURT STATE OKLAHOMA

(b) Criminal docket or case number (if you know): CM-2022-3428 + CF 2023-889

2. (a) Date of the judgment of conviction (if you know): 4-21-2023

(b) Date of sentencing: 4-27-2023

3. Length of sentence: UNKN- OKLAHOMA FORENSIC CENTER

4. In this case, were you convicted on more than one count or of more than one crime?
- ☐
- Yes
- ☒
- No

5. Identify all crimes of which you were convicted and sentenced in this case:

I HAVE SERVED A(6) MONTH SENTENCE DEMANDED ON 12-08-2022, AS I MOTION TO PLEA TO AN AMENDED CHARGE OF DISORDERLY CONDUCT, AS UPPOSED TO ASCUT OF POLICE OFFICER (PD) JONATHAN CASEY STATED THE MAXIMUM IS (6) MONTH, I DEMANDED JURY TRIAL 11-03-2022 (PDO) FIRED 4-3-2023 PRO'SE ESQUIRE

6. (a) What was your plea? (Check one)

☒ Mail ☐ No Cert Svc ☒ No Orig Sign  
☐ C/J ☐ C/MJ ☐ C/Ret'd ☐ No Env  
☐ No Cpys ☒ No Env/Cpys ☐ O/J ☐ O/MJ

Not guilty

☐ (3)

Nolo contendere (no contest)

Guilty

☐ (4)

Insanity plea

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(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

TO ALL CHARGES NOT GUILTY!  
I HAVE OVER SERVED A SENTENCE NOT CONVICTED OF!  
(8) MONTHS NOW! AS OF DATE (5-20-2023) CM-2022-3428  
AND FOR CASE CF-2023-889, SAMUEL, HAROLD, SMALEY,  
PLEA BARGAINED OUT OF JAIL!, AN VERBAL ALTERCATION  
OVER WHAT IS A DIYOD! INVENTED IN CIRCA (1972) DIGITAL

(c) If you went to trial, what kind of trial did you have? (Check one)

☒ Jury ☐ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☐ Yes ☒ No

8. Did you appeal from the judgment of conviction?

☒ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: STATE DISTRICT COURT OF OKLAHOMA

(b) Docket or case number (if you know): CM-2022-3428 + CF 2023-889

(c) Result: UNSPECIFIED DURATION OF TIME O,F,C, CONFINEMENT

(d) Date of result (if you know): 4-21-2023 OSCN STATED 4-27-2023

(e) Citation to the case (if you know): COMPATENCY TO STAND TRAIL

(f) Grounds raised: 10-03-2022 MISDEMEANOR-TRAFFIC COURT CASE  
FIRST, THEN 3-10-2023 FELONY CASE CF-2023-889  
FILED 3-14-2023 INTERNAL AFFAIRS SANCTION 3-3-2023  
THU 3-23-2023 FOR POSSON OF CONTABAND-SENTENCE SERVED  
IN FULL SEGRAGATION J-11 CELL JJ-2-M-1! FOR SAID  
ARGUEMENT WITH Co-DEFENDANT INMATE-CELL MATE!  
THREATING ACT OF VIOLENCE, FICTICIOUS ACCOUNT!

(g) Did you seek further review by a higher state court? ☒ Yes ☐ No

If yes, answer the following:

(1) Name of court: UNITED STATES COCKTS

(2) Docket or case number (if you know): UNKN NOW!

(3) Result: ON GOING UNKN OUT COME AT PRESENT  
TIME, THE STATE COCKT WRIT AN ERROR!

(4) Date of result (if you know): AT PRESENT TIME



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(5) Citation to the case (if you know):

UNKN AT THIS TIME!

(6) Grounds raised:

FICTICIOUS AND FRIVOLOUS CHARGES  
NOT WILLING TO BE CONFRONTED BY COUNTY OR STATE  
COURTS GIVING TO DUE PROCESS OF LAW DENIED!  
CIVIL, CONSTITUTIONAL, STATUTORY, RIGHTS VIOLATED

(h) Did you file a petition for certiorari in the United States Supreme Court?

☒ Yes☐ No

If yes, answer the following:

(1) Docket or case number (if you know):

UNKN AT PRESENT TIME

(2) Result:

ON GOING AT PRESENT TIME UNKN!  
THE STATE DISTRICT COURT WROTE AN ERROR!

(3) Date of result (if you know):

AT PRESENT TIME

(4) Citation to the case (if you know):

A FALLACY OF CONSEQUENCE

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

☒ Yes☐ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court:

OKLAHOMA STATE DISTRICT COURT

(2) Docket or case number (if you know):

CF 2023-889 + CM-2022-3428

(3) Date of filing (if you know):

5-10-2023 + 5-25-2023

(4) Nature of the proceeding:

MOTION TO QUASH

(5) Grounds raised:

FALSE ARREST AND FALSE DETAINMENT  
FIRST NO GROUNDS FOR ARREST AND CHARGES  
NOT FILED WITHIN (72) HOURS, WITH PROBABLE  
CASE! CM-2022-3428, DUE PROCESS DENIED!  
CF-2023-889 NOT BOOKED OR ARRAIGNED  
WITHIN (72) HOURS AND FICTICIOUS FRIVOLOUS CHARGE  
\$10,000 AGG BOND, INTERNAL ISSUE W/ INMATE,  
CM-2022-3428 NO PROBABLE CAUSE TO ARREST  
AND DETENTION, BURGLARY OF VEHICLE (NOT FILED  
OBSTRUCTION), INTERFERE W/ POLICE (NOT FILED), PUBLIC INTOX N/E

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes☒ No

(7) Result:

NOT YET WAITING FOR RETURN NOTICE CLERK

(8) Date of result (if you know):

WILL BE WITHIN 5-31-2023

- (1) Name of court:
- (2) Docket or case number (if you know):
- (3) Date of filing (if you know):
- (4) Nature of the proceeding:
- (5) Grounds raised:



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(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☐ Yes ☒ No(2) Second petition: ☐ Yes ☒ No(3) Third petition: ☐ Yes ☐ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

BECAUSE THE CASES ARE FRIVOLOUS IN NATURE AND SHOULDN'T  
HAVE BEEN FILED, WITHOUT DUE PROCESS-DENIED EFFECTIVE COUNSEL

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**CAUTION:** To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

**GROUND ONE:** FALSE ARREST, ARRAINGMENT OUT OF JURISTITION  
OF PROBATE, I WAS UNDER MENTAL HEALTH COURT Judge PACE

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I WAS ARRESTED AT 1000 S. UTICA TULSA OK. 74104, TRYING TO EAT IN FRONT OF STORE CLOSED  
WHILE TALKING TO PERSON FEMALE, SUNDAY OCT, 02-2022, MISTEAK IN IDENTIFICATION  
ALL CHARGES NOT FILED BUT AS IT ON POLICE OFFICER! CM-2022-3428  
WAS DENIED A PR BOND TILL THIS DATE, ON A MISDEMEANOR CHARGED  
NOT FOUND GUILTY OF! JUDICALLY HIJACKED OUT OF PROVISION OF  
PROBATE COURT, MENTAL HEALTH COURT Judge PACE, WITH THE KNOWLEDGE  
OF JUDGES DISTRICT ATTORNEYS OFFICE AND PUBLIC DEFENDER'S OFFICE

(b) If you did not exhaust your state remedies on Ground One, explain why: I'M NOT AN ATTORNEY

WITH A (BAR) NUMBER, I'M PRO'SE ESQUIRE, I HAVE A BRAIN INJURY'S  
I'VE PTSD, ADD (2) TRAMATIC BRAIN INJURY'S, PERANOD SCIZOPHYNIC DIAGNOSIS  
I'M (51 YEARS OLD) HAVEN'T BEEN IN JAIL SYSTEM SENSE (NOVEMBER)  
(2007 YEAR!) THAT'S (16 YEARS TO DATE) ON A MISDEMEANOR CHARGE  
I ONLY HAVE FINISHED THE 5TH GRADE HERBERT HODVER ELEMENTARY  
TULSA OKLAHOMA! I NOT AN EDUCATED LAWYER W/ EXPIREANCE!  
I'M A LATE BLOOMER!

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(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☒ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☒ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☒ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☒ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: TULSA COUNTY COURT HOUSE

500 S. DENVER TULSA OKLA. 74103,

Docket or case number (if you know): CM-2022-3428 + CF2023-889

Date of the court's decision: NONE YET TO THIS DATE

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:



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(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: ONLY THE MOTION TO QUASH

**GROUND TWO:** FOR CASE NO. 11 CF-2023 FRIVOLOUS CHARGE NOT BOOKED NO ARRAINGMENT COURT DATE PRESENTED!

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

ON MARCH FRIDAY 3RD 2023 WAS SANCTIONED IN SEGRIGATION FOR (POSSESSION OF CONTRABAND) NOT IN DISCIPLINARY REPORT OR SANCTION REPORT ANY THING ABOUT (TREATING ACT OF VIOLENCE) INVALID OF DUE PROCESS NOT FILED WITHIN (72) HOURS, INTERNAL ISSUE TO BE ADMINISTRATIVE PROCEDURE'S WRITE UP AND SANCTION NONE OCCURED! NO EVIDENCE OF WRITE UP OR SANCTION'S REPORT OR ADMINISTRATIVE HERRING ON ACCUSATION FICTICIOUS CHARGE, DATE OF SAID ARRAINGMENT 3-10-2023 FRIDAY, WAS TO HAVE JURY TRIAL ON COMPETENCY SAME DAY

(b) If you did not exhaust your state remedies on Ground Two, explain why: ALL OF LEGAL DOCUMENTATION WAS TAKEN BY FORCE, BY TULSA COUNTY SHERIFF'S OFC, PERSONNEL @ 1:49 PM ALL ON CAMERA J-7 ALL MOTION'S TAKEN, LEGAL NOTATION'S, TIR, A/C'S, REPORTS, AND AFFIDAVIT'S, OKCA BAR ASSOCIATION JUDICIAL MISCONDUCT COMPLAINT FORMS TAKEN FROM PHYSICAL POSSESSION!

(c) **Direct Appeal of Ground Two:**

- (1) If you appealed from the judgment of conviction, did you raise this issue? ☒ Yes ☐ No
- (2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

- (1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☒ No

- (2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: MOTION TO QUASH

Name and location of the court where the motion or petition was filed: 500 S. DENVER TULSA OKLA. 74103 + THROUGH COURT CLERK DON NEWBERRY

Docket or case number (if you know): CF-2023-889

Date of the court's decision: NOT TO BE DECIDED!

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Result (attach a copy of the court's opinion or order, if available):

NONE TO DATE  
OF FILING 5-10-AND 5-25-2023

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two :

### GROUND THREE:

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):



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(b) If you did not exhaust your state remedies on Ground Three, explain why: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

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- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

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**GROUND FOUR:**

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

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- (b) If you did not exhaust your state remedies on Ground Four, explain why:

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- (c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

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- (d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

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Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition? ☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state: \_\_\_\_\_

Name and location of the court where the appeal was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: \_\_\_\_\_

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13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☐ Yes ☒ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

MISTEAKEN IDENTIFICATION, FALSE ARREST, FALSE DETENTION, JUDICIAL HIJACKING OF JURISDICTION, DENIED PR BOND, SECONDARY FALSE FRIVOLOUS CHARGE, NOT BOOKED OR ARRAIGNED, INCARCERATED DOCKET

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

MY HANDS ARE TIED! NONE OF THE JUDICIAL PERSONNEL WILL FOLLOW ADMINISTRATIVE LAW AND PROTOCOL WHEN FALGONIOUSLY ACTING UNDER COLOR OF LAW!

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

NOW PLEASE CONSIDER THE ILLEGALITY OF ALL THE STATES BEARDON! AND MALICIOUS PROSECUTION! MISREPRESENTATION OF THE LAW DENIAL OF PRETRAIL BOND, LEGAL MALPRACTICE ON ALL (4) FOUR SIDES OF THE LAW! ILLEGAL REPRESENTATION BY THE TULSA COUNTY PUBLIC DEFENDER'S OFFICE, AFTER BEING FIRED ON 1-03-2023 CT. ROOM 15B. 1:30 PM. MOTION TO PRODUCE WITH HELD 1-3-23

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☒ Yes ☐ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

500 S. DENVER TULSA OKLA. 74103 TULSA COUNTY COURT HOUSE, MOTION TO QUASH, DISMISS, DISCONTINUE, FRIVOLOUS PROCEEDINGS



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16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing:

(b) At arraignment and plea:

JONATHAN CASEY TULSA COUNTY PD

(c) At trial:

JONATHAN CASEY TULSA COUNTY PD  
ILLEGALLY REPRESENTED IN COURT ROOM 634 3-21-2023

(d) At sentencing:

(e) On appeal:

(f) In any post-conviction proceeding:

(g) On appeal from any ruling against you in a post-conviction proceeding:

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☐ Yes ☒ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

(b) Give the date the other sentence was imposed:

(c) Give the length of the other sentence: KEVIN FINNIGAN DEMANDED MAXIMUM SENTENCE

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☒ Yes ☐ No

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.\*

MY FIRST COURT DATE WAS 10-10-2022 NOT ALLOWED TO ATTEND BY TC, SIO, PERSONNEL!

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\* The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

- (1) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of -
  - (A) the date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
  - (B) the date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
  - (C) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
  - (D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of due diligence.



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- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

Therefore, petitioner asks that the Court grant the following relief:

ORDER OF RELEASE SIGNED  
FROM CUSTODY CASES DISMISSED CM-2022-3428 +  
CF-2023-889 WITH ALL DUE RESPECT YOUR MIGHT STATE!

or any other relief to which petitioner may be entitled.

PROSE CARLOS MALONE ESQUIRE

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 5-21-2023 (month, date, year).

Executed (signed) on 5-21-2023 (date).

Carlos G. Malone

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

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